

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEPUTY CLERK

UNITED STATES OF AMERICA

NO. 3:17-CR-147-B

v.

JOSE SOLIS

FACTUAL RESUME

ELEMENTS:

Count One

Conspiracy to Possess with the Intent to Distribute
a Schedule I Controlled Substance
(21 U.S.C. § 846)

First: That two or more persons, directly or indirectly, reached an agreement to possess with the intent to distribute and to distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance;

Second: That the defendant knew the unlawful purpose of the agreement; and

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

Count Two

Conspiracy to Commit Money Laundering
[18 U.S.C. § 1956(h)]

First: That there was an agreement between two or more persons to launder monetary instruments in violation of 18 USC §§ 1956(a)(1)(A)(i) and and § 1956(h); and

Second: That the defendant joined in the agreement knowing its purpose and with the intent to further the illegal purpose

STIPULATED FACTS

The defendant, **JOSE SOLIS**, has agreed to plead guilty to Counts One and Two of the information. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts. Unless stated otherwise, the following acts occurred in the Eastern District of Louisiana:

In 2013, agents with the Drug Enforcement Administration (DEA) began an investigation into heroin sales in the Ninth Ward of New Orleans, Louisiana, specifically in the area near Bonart Park. Agents learned that a group of individuals sold heroin in and around that park. This group included Ulyesse Santiago, Corey Celestine, Clarence Peter Santiago, Dwayne Smothers, and others. Agents learned that **JOSE SOLIS** facilitated the distribution of heroin in the Ninth Ward of New Orleans by supplying heroin to the Ninth Ward group. His wife, Diana Solis, facilitated his distribution of heroin.

In July 2014, agents began utilizing court-authorized wiretaps to investigate this conspiracy. On July 11, 2014, U.S. District Judge Eldon E. Fallon authorized a Title III wiretap on phone number (504) 265-2296, a phone number used by Corey Celestine ("the 265 Wiretap"). Interceptions began on July 11, 2014, and interceptions ended on August 6, 2014. On August 28, 2014, Judge Fallon authorized a Title III wiretap on phone number (504) 352-1649, a phone number

used by Dwayne Smothers ("the 352 Wiretap"). Interceptions began on August 28, 2014, and interceptions ended on September 27, 2014. The following summarizes some of the phone calls that the government would present at trial.

On or about September 9, 2014, **JOSE SOLIS**, using phone number (214) 402-9928, was intercepted on the 352 Wiretap calling Dwayne Smothers. During this call, **JOSE SOLIS** asked about the whereabouts of Ulyesse Santiago. At one point, **JOSE SOLIS** asked "where he staying at? At Peter house?" (referring to Clarence Peter Santiago). After this call, Smothers immediately called Ulyesse Santiago and stated that **JOSE SOLIS** appeared to be in town looking for him (Ulyesse Santiago).

Cooperating witnesses would identify **JOSE SOLIS** as a Texas source of heroin for Ulyesse Santiago, Corey Celestine, Clarence Peter Santiago, Dwayne Smothers, and others. These witnesses would testify that **JOSE SOLIS** then began supplying New Orleans dealers with heroin in 2013. These witnesses would testify that **JOSE SOLIS** either personally drove heroin from Dallas to New Orleans, or he would have others drive it to New Orleans or transport the drugs via Mega Bus. Each shipment involved at least one-half kilogram of heroin.

On December 19, 2014, at approximately 10:22 p.m., Louisiana State Police (LSP) Trooper Ryan Zimmerman observed a white Honda Civic bearing Texas license plate BBK0032 travelling eastbound on Interstate 10 in Jefferson Parish,

Louisiana. Trooper Zimmerman saw the vehicle's driver swerving in and out of his lane and onto the shoulder of the freeway. Trooper Zimmerman elected to pull the vehicle over for illegal use of traffic lanes. The trooper directed the driver to exit Interstate 10 at Veteran's Boulevard in Metairie, Louisiana, and pull into a Discount Zone parking lot.

Trooper Zimmerman approached and found Carl Morgan to be the driver of the vehicle. The passenger was **JOSE SOLIS**. The two occupants provided license and registration documentation that showed that the vehicle was registered to **JOSE SOLIS** with a residential address in Farmers Branch, Texas. The trooper asked them about their plans. **JOSE SOLIS** replied that they were coming from Dallas to New Orleans to play gamble at Harrah's Casino, which the trooper believed to be unusual because Morgan and **JOSE SOLIS** would have passed casinos in Bossier City. The trooper observed both occupants appearing very nervous. He observed both of their hands shaking as they handed over their licenses and registration. Both Morgan and **SOLIS** refrained from making eye contact with the trooper.

Based on his observations, Trooper Zimmerman believed that Morgan and **JOSE SOLIS** may be engaged in illegal activity. The trooper asked for **JOSE SOLIS'S** consent to search his vehicle. **JOSE SOLIS** refused consent. At approximately 10:42 p.m., the trooper radioed for a Jefferson Parish Sheriff's Office (JPSO) narcotics K-9 unit that arrived approximately 6 minutes later. JPSO Deputy

Louis Adams walked the K-9 around the exterior of the car. The K-9 alerted to narcotics in the passenger compartment. Based on the K-9's alert, Trooper Zimmerman searched the passenger compartment of the car. The trooper found approximately one-half kilogram of heroin in a Jack-in-the-Box food bag sitting on the front passenger side floorboard of the vehicle. Morgan and **JOSE SOLIS** were placed under arrest and read their *Miranda* rights.

The suspected heroin seized from **JOSE SOLIS** and Morgan was later tested by law enforcement drug analysts. It was determined to be heroin, with a net weight of approximately 501.6 grams.

LSP troopers also seized two cell phones from **JOSE SOLIS** and one cell phone from Morgan. Law enforcement officers obtained a warrant for Morgan's cell phone. Officers found frequent text messages between Morgan and **JOSE SOLIS**, with multiple texts concerning travels from Dallas to New Orleans and Houston. There were also texts in which Morgan discussed Mega Bus schedules between Dallas, New Orleans, and Houston.

Law enforcement officers obtained a warrant for **JOSE SOLIS'S** cell phones. Agents found text messages between **JOSE SOLIS** and Ulyesse Santiago on from September 11, 2014, through September 26, 2014. In these text messages, **JOSE SOLIS** instructed Santiago to deposit \$2500 into a bank account held by **JOSE SOLIS'S** wife, Diana Solis. **JOSE SOLIS** gave the account number to Santiago by

text. Agents obtained Chase bank records that show a deposit of \$2,500 was made on September 30, 2014, into the account from a Chase branch on Read Blvd, New Orleans. Only several hours later on the same day, the \$2500 was withdrawn from a Chase branch in Denton, Texas. Chase bank records show that the person who withdrew the \$2500 presented Texas identification as "Diana Rodriguez Solis" with driver's license number, birth date, and address all matching Diana Solis. Cooperating witnesses would testify that this monetary transfer was a payment for heroin, and that it was made to facilitate and carry on the conspiracy to distribute heroin in the New Orleans area.

Agents also obtained Western Union records regarding transfers made from Louisiana and Texas. These records showed that **JOSE SOLIS** and his associates made numerous wire transfers from New Orleans to Mexico. For example, from July 26, 2014, through August 20, 2014, Carl Morgan and David Robinson transferred approximately \$52,670.00 from New Orleans to various individuals in Mexico. Cooperating witnesses would testify that these transfers were made on behalf of **JOSE SOLIS**.

On September 1, 2015, **JOSE SOLIS** was arrested in by federal agents in Farmers Branch, Texas, in possession of one kilogram of heroin that he intended to sell.

Cooperating witnesses would testify that **JOSE SOLIS** directed and coordinated the actions of others in furtherance of the heroin conspiracy, a conspiracy that involved five or more participants. **JOSE SOLIS** recruited and directed the actions of at least two individuals in transporting heroin and making wire transfers of narcotics proceeds.

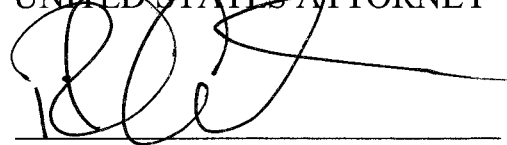
The Government and the defendant stipulate and agree that, for the purposes of sentencing only, **JOSE SOLIS** was responsible for between one kilogram and three kilograms of heroin based upon his own conduct and the reasonably foreseeable conduct of his co-conspirators.

Limited Nature of Factual Basis

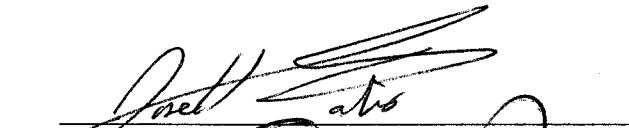
This proffer of evidence is not intended to constitute a complete statement of all facts known by **JOSE SOLIS** and that were described by **SOLIS** to the government, but rather it is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **JOSE SOLIS'S** plea of guilty to the charged offenses.

AGREED TO AND SIGNED this 29th day of June,
20 17.

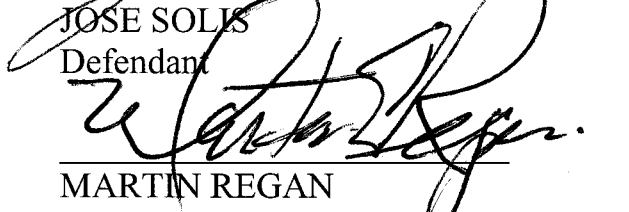
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June 29, 2017
Date

June 29, 2017
Date